

## **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action dated November 30, 2004 (hereinafter referred to as "the Office Action"), having a statutorily shortened period for response that expires today, February 28, 2005.

Section 1 of the Office Action indicates that the applicants have elected group II directed towards Claims 1, 2, 4, 8, and 10-12 for further prosecution. However, the record indicates that group II corresponds instead to Claims 1, 2, 4-8 and 10-12. It appears from the further details of the Office Action, that Claims 1, 2, 4-8 and 10-12 have been considered on the merits. Therefore, the undersigned assumes that the representation of group II in section 1 of the Office Action was intended to refer to all of Claims 1, 2, 4-8 and 10-12. By this amendment, Claims 3 and 9, which were withdrawn from consideration due to the applicant's election of group II, have been formally cancelled. Of the pending claims, only Claims 1 and 7 are independent and are amended herein. Dependent Claims 2 and 8 are also currently amended. Claims 4-6 and 10-12 are original dependent claims.

Section 3 of the Office Action rejects Claims 1, 2, 7 and 8 under 35 U.S.C. 102(e) as being rejected by United States patent number 6,741,667 issued to Suda (hereinafter referred to as "Suda"). Section 4 of the Office Action rejects Claims 1, 2, 5-8, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,754,255 issued to Yano et al. (hereinafter referred to as "Yano") in view of Suno. Both of these rejections should be withdrawn in light of the amendments of the claims for at least the reasons that will now be explained.

Fig. 3B of the applicants' specification shows an example of a delay profile. The delay profile has meaningful intervals in which actual profiles exist and intervals in which profiles

does not exist. The communication quality acquisition apparatus of the present invention optimizes a width of a measurement window for an on-track spread signal to acquire a delay profile based on the spread signals so that the meaningful delay profile of said on-track spread signal is only stored in the storage means. The amount of acquired data is minimized to prevent data growth by increasing the frequency of the synchronization and refreshing the measurement window to narrow the measurement window. Specifically, Figs. 6 and 7 show an example of acquiring delay profile.

Suda and Yano nowhere disclose a means for acquiring delay profile with optimizing a width of a measurement window for an on-track spread signal by increasing the frequency of the synchronization and refreshing the measurement window to narrow the measurement window. Therefore, the independent claims 1 and 7 are not anticipated or rendered unpatentable over Suda and Yano (either singly or in combination).

Therefore, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 28<sup>th</sup> day of February, 2005.

Respectfully submitted,



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